

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 376, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, after line 35, begin a new paragraph and insert:
- 2 "SECTION 5. IC 36-8-8-12.5, AS AMENDED BY P.L.62-2006,
- 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009] : Sec. 12.5. (a) This section applies only to a fund
- 5 member who:
- 6 (1) is hired for the first time after December 31, 1989;
- 7 (2) chooses coverage by this section and section 13.5 of this
- 8 chapter under section 12.4 of this chapter; or
- 9 (3) is described in section 12.3(c)(2) of this chapter.
- 10 (b) At the same hearing where the determination of whether the
- 11 fund member has a covered impairment is made, the local board shall
- 12 determine the following:
- 13 (1) Whether the fund member has a Class 1 impairment. A Class
- 14 1 impairment is a covered impairment that is the direct result of

- 1 one (1) or more of the following:
- 2 (A) A personal injury that occurs while the fund member is on
- 3 duty.
- 4 (B) A personal injury that occurs while the fund member is off
- 5 duty and is responding to:
- 6 (i) an offense or a reported offense, in the case of a police
- 7 officer; or
- 8 (ii) an emergency or reported emergency for which the fund
- 9 member is trained, in the case of a firefighter.
- 10 (C) An occupational disease (as defined in IC 22-3-7-10). A
- 11 covered impairment that is included within this clause and
- 12 subdivision (2) shall be considered a Class 1 impairment.
- 13 (D) A health condition caused by an exposure risk disease that
- 14 results in a presumption of disability or death incurred in the
- 15 line of duty under IC 5-10-13.
- 16 (2) Whether the fund member has a Class 2 impairment. A Class
- 17 2 impairment is a covered impairment that is:
- 18 (A) a duty related disease. A duty related disease means a
- 19 disease arising out of the fund member's employment. A
- 20 disease shall be considered to arise out of the fund member's
- 21 employment if it is apparent to the rational mind, upon
- 22 consideration of all of the circumstances, that:
- 23 (i) there is a connection between the conditions under which
- 24 the fund member's duties are performed and the disease;
- 25 (ii) the disease can be seen to have followed as a natural
- 26 incident of the fund member's duties as a result of the
- 27 exposure occasioned by the nature of the fund member's
- 28 duties; and
- 29 (iii) the disease can be traced to the fund member's
- 30 employment as the proximate cause; or
- 31 (B) a health condition caused by:
- 32 (i) an exposure related heart or lung disease; ~~or~~
- 33 (ii) an exposure related cancer; ~~or~~
- 34 **(iii) exposure related Parkinson's disease;**
- 35 that results in a presumption of disability incurred in the line
- 36 of duty under IC 5-10-15.
- 37 (3) Whether the fund member has a Class 3 impairment. A Class
- 38 3 impairment is a covered impairment that is not a Class 1

1 impairment or a Class 2 impairment."
(Reference is to SB 376 as printed February 20, 2009.)

and when so amended that said bill do pass.

Representative Tincher